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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,104	08/17/2001	Thomas James Dubil	US018124	5490

7590

02/06/2004

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EXAMINER

NGUYEN, JIMMY H

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,104

Applicant(s)

DUBIL ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 09/18/2003 (entered into the file wrapper as Paper No. 8). Claims 1-17 are currently pending in the application. An action follows below:

Response to Arguments

2. Applicants' argument, see page 7, lines 4-11, filed on 09/18/2003, with respect to the objection to claim 6, has been fully considered and is not persuasive because Applicants' argument filed with respect to the rejection of claims 4, 5, 18 and 19 under 35 USC 112, second paragraph, page 12, has been fully considered but it is not persuasive because the abbreviated term is not trademark and may be used for others purposely different from the formats that applicant means unless the applicant can provide a proof.

Claim Objections

3. Claim 6 is objected to because of the following informalities: line 2, "XML" should be changed to -- extensible markup language (XML)--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 7-12, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Darbee et al. (USPN: 6,130,726), hereinafter Darbee.

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Regarding to claims above, the claimed invention reads on Darbee as follows: Darbee discloses a system for transmitting and displaying content information related to a television program, advertising offers, a billboard and etc. (col. 3, lines 13-25), the system comprising an Internet connected host, such as a set top box, connected to a remote server or a remote station, such as a cable station, a satellite station and etc., for receiving a signal including the content information via the Internet (col. 4, lines 19-32, col. 6, line 62 through col. 7, line 5, col. 8, lines 57-67, col. 20, lines 50-61), and a remote control device (10) (fig. 1) comprising a RF transceiver (48) (fig. 2) for wireless receiving the content information and for transmitting information (col. 9, lines 1-137, line 17), processing circuitry (a microcontroller 28, fig. 2, col. 7, lines 6-46), input interface device including a directional cursor control mechanism (up, down, left and right arrow keys, fig. 1) and a selection button (a EZ NAV key 20, fig. 1, col. 13, lines 32-56), a memory unit comprising ROM/RAM 40 and FLASH RAM or EEPROM 36 (fig. 2, col. 7, lines 43-58), for storing algorithm (software protocol or program) used to determine if the information to be displayed belongs in programmed categories such as sport, movie, kid and etc. (figs. 13 and 14, col. 9, lines 58-65), and a display (a LCD display 14, fig. 1) for displaying a first content information comprising television program scheduling and a second content information comprising interacting data related to a scheduled program in the television program scheduling (figs. 12 and 27A, col. 12, lines 44-51). Accordingly, the Darbee reference anticipates these claims.

6. Claims 1-11, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubischta et al. (US-PGPUB: 2002/0042915 A1), hereinafter Kubischta.

Regarding to claims 1-5, 7-9, 15 and 17, the claimed invention reads on Kubischta as follows: Kubischta discloses a system for displaying television program (electronic program guide (EPG), paragraph 0019), comprising an Internet connected host, such as a set top box (a STB 102, fig. 1), connected to a remote server (a web server of Internet 108, figs. 1 and 6, paragraph 0071, lines 4-6), for receiving, via the Internet (paragraph 0070, lines 6-10), a web site (602) including television program, and a remote control device (a remote control 204, fig. 2) comprising a receiver (226) (fig. 2) for wireless receiving the television program (EPG, paragraph 0019) from the Internet connected host (102) and a transmitter (228) (fig. 2) for transmitting information (page 3, paragraph 0036, lines 6-11), an input interface for interacting with the information displayed by the display such as a directional cursor control mechanism (display buttons 232, fig. 2, paragraph 0041) and a selection button (control buttons 234, fig. 2, paragraph 0042), or a touch screen (paragraph 0045), processing circuitry (a processor 408, fig. 4) and a display (a remote display device 220, fig. 2) for displaying a first content information comprising television program scheduling and a second content information comprising interacting data, such as critical reviews, content ratings, VCRPlus codes, related to a scheduled program in the television program scheduling (page 2, paragraph [0027]). Accordingly, the Kubischta reference anticipates these claims.

Regarding to claim 6, Kubischta expressly teaches the signal including XML-formatted data (paragraph 0073, last second line).

Regarding to claims 10 and 11, the claimed invention reads on Kubischta as follows: Kubischta discloses a system for transmitting information related to at least one television program, comprising a remote central station (an Internet 108, fig. 6) including Internet

connection means for connecting the Internet and for transmitting a signal (EPG 604 of a web site 602) related to at least one television program via the Internet (paragraph 0071), and a remote control device (a remote control 204, fig. 2) comprising a receiver (226) for wireless receiving the signal including information related to at least one television program (EPG 604 of a web site 602), processing circuitry (a processor 408, fig. 4), and a display (a remote display device 220, fig. 2) for displaying a first content information comprising television program scheduling and a second content information comprising interacting data, such as critical reviews, content ratings, VCRPlus codes, related to a scheduled program in the television program scheduling (page 2, paragraph [0027]). Accordingly, the Kubischta reference anticipates these claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee as applied to claim 2 above, and further in view of Huang et al. (USPN: 6,437,836 B1), hereinafter Huang.

As per claim 4, as discussed in the rejection to claim 2 above, Darbee discloses all the claimed limitations except for a touch screen.

However, Huang discloses expressly the use of a touch screen in the remote control device is well known and expected in the art (fig. 1, col. 1, line 60 through col. 2, line 15). Furthermore, the benefits of using a touch screen to allow the user quickly navigating the

interface and selecting an object are also well known and expected in the art. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide a touch screen in the remote control device of Darbee, in view of the teaching in the Huang reference, because this would allow the user quickly navigating the interface and selecting an object.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee as applied to claim 1 above.

As per claim 6, as discussed in the rejection to claim 1 above, Darbee discloses all the claimed limitations except for the signal including XML formatted data. However, Official Notice is taken that the XML formatted data and the benefit of using the XML formatted data to structure documents and data on the World Wide Web, and to transmit and to share the documents across the Internet are well known and expected in the art, as well as recognized by the applicant (see the amendment filed on 09/18/2003, page 7, lines 4-10). It would have been obvious to have included the XML formatted data in the Darbee signal because this would structure documents and data on the World Wide Web, and to transmit and to share the documents across the Internet.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee, and further in view of O'Donnell et al. (USPN: 6,549,143 B1), hereinafter O'Donnell.

As per claim 13, this claim is similar to claim 15 above except for stored signal codes and a manual select button for using the remote to switch between two or more televisions. Darbee further teaches the remote control device comprising a memory unit comprising ROM/RAM 40 and FLASH RAM or EEPROM 36, for storing signal codes (fig. 2, col. 7, lines 43-58).

Accordingly, Darbee discloses all the claimed limitations except for a manual select button for using the remote to switch between two or more televisions.

However, O'Donnell discloses expressly the use of a key included in the remote control device, for switching between two or more appliances, such as TV, VCR, DVD and etc., is well known and expected in the art (col. 1, lines 18-27). Further, O'Donnell teaches that each appliance is programmed to have an identification code in order to recognize the selected appliance (col. 2, lines 13-24). In other words, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to program two or more TVs having different identification codes, so that a single key of the O'Donnell universal remote control device can toggle between two or more TVs. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide a key for switching between two or more TVs, in the Darbee remote control device, in view of the teaching in the O'Donnell reference, because this would reduce a number of keys required to control a number of appliances.

11. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee, and further in view of Gerritsen et al. (USPN: 6,003,072), hereinafter Gerritsen.

As per claim 14, claim 14 is similar as claim 15 except for an addition of an auto-zoom feature for zooming in and out the information. Accordingly, as discussed in the rejection to claim 15 above, Darbee discloses all the claimed limitations except for an auto-zoom feature as claimed.

However, Gerritsen discloses the remote control device comprising a zooming key (50) (fig.2) for zooming in and out the information (col. 3, lines 28-28-31). It would have been

obvious to a person of ordinary skill in the art at the time of the invention was made to provide a zooming key in the Darbee remote control device, in view of the teaching in the Gerritsen reference, because this would allow the user to adjust the viewing size of the information that the user feels comfortable with.

Regarding to claim 16, as discussed in the rejection to claim 15 above, Darbee discloses all the claimed limitations except that the Darbee remote control device comprises a set of up, down, left and right arrow keys, for controlling the cursor in the interface, instead of a roller ball, as claimed.

However, Gerritsen discloses the remote control device comprising a roller ball (a tackball 228, fig. 4) for controlling the cursor in the interface (col. 4, lines 52-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to substitute the Gerritsen roller ball for the set of arrow keys of Darbee, in view of the teaching in the Gerritsen reference, because this would allow the cursor to be moved in any direction, as taught by Gerritsen (col. 4, lines 52-57), thereby quickly locating the cursor over a desired object.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubischta, and further in view of O'Donnell.

As per claim 13, this claim is similar to claim 15 above except for stored signal codes and a manual select button for using the remote to switch between two or more televisions. Kubischta further teaches the remote control device comprising a memory unit comprising RAM 404 and ROM 406, for storing signal codes (fig. 4, page 4, paragraph [0055]). Accordingly, Kubischta

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discloses all the claimed limitations except for a manual select button for using the remote to switch between two or more televisions.

However, O'Donnell discloses expressly the use of a key included in the remote control device, for switching between two or more appliances, such as TV, VCR, DVD and etc., is well known and expected in the art (col. 1, lines 18-27). Further, O'Donnell teaches that each appliance is programmed to have an identification code in order to recognize the selected appliance (col. 2, lines 13-24). In other words, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to program two or more TVs having different identification codes, so that a single key of the O'Donnell universal remote control device can toggle between two or more TVs. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide a key for switching between two or more TVs, in the Kubischta remote control device, in view of the teaching in the O'Donnell reference, because this would reduce a number of keys required to control a number of appliances.

13. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubischta, and further in view of Gerritsen.

As per claim 14, claim 14 is similar as claim 15 except for an addition of an auto-zoom feature for zooming in and out the information. Accordingly, as discussed in the rejection to claim 15 above, Kubischta discloses all the claimed limitations except for an auto-zoom feature as claimed.

However, Gerritsen discloses the remote control device comprising a zooming key (50) (fig.2) for zooming in and out the information (col. 3, lines 28-28-31). It would have been

obvious to a person of ordinary skill in the art at the time of the invention was made to provide a zooming key in the Kubischta remote control device, in view of the teaching in the Gerritsen reference, because this would allow the user to adjust the viewing size of the information that the user feels comfortable with.

Regarding to claim 16, as discussed in the rejection to claim 15 above, Kubischta discloses all the claimed limitations except that the Kubischta remote control device comprises some display buttons 232, for controlling the cursor in the interface (page 3, paragraph 0041]), instead of a roller ball, as claimed.

However, Gerritsen discloses the remote control device comprising a roller ball (a trackball 228, fig. 4) for controlling the cursor in the interface (col. 4, lines 52-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to substitute the Gerritsen roller ball for some display buttons of Kubischta, in view of the teaching in the Gerritsen reference, because this would allow the cursor to be moved in any direction, as taught by Gerritsen (col. 4, lines 52-57), thereby quickly locating the cursor over a desired object.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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JHN
February 4, 2004



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